

**COMMISSION CONFERENCE****MARCH 5, 2002****Agenda**  
**Item****Page**

I-A	Proposed Amendments to Section 25-147 – Tree Trimming in the Public Right-of-Way for Purposes of Utility Line Maintenance .....	1
I-B	Fiscal Year 2001/2002 Neighborhood Capital Improvement Program (NCIP) Recommendations .....	5
I-C	Haifa, Israel – Proposed Sister City .....	10
I-D	Florida Power and Light (FPL) Citizen Advisory Panel .....	5
I-E	Citrus Canker Program .....	6
II-A	Project 15160 – Joseph C. Carter Park Improvements .....	7
II-B	Construction of Fire-Rescue Administration Building/ Fire Station No. 2 .....	7
III-B	Advisory Board Vacancies:  1. Cemeteries Board of Trustees .....	8
	2. Community Appearance Board (Deferred) .....	8
	3. Community Services Board (Deferred) .....	8
	4. Marine Advisory Board .....	8
	5. Nuisance Abatement Board .....	8
	6. Unsafe Structures & Housing Appeals Board (Deferred) .....	8
IV	City Commission Reports:  1. Lincoln Park .....	9
	2. Police Department .....	9
	3. Amistad .....	9
	4. Broward County Historical Commission .....	10
	5. Harbor Inlet – Neighborhood of the Year .....	10
	6. Lauderdale Beach Hotel .....	11
	7. Conference Meeting Time .....	11
	8. Health Benefits .....	12
	9. Staff Liaison to Broward County .....	12
	10. Greenways/Bicycle Paths .....	12
	11. Land Preservation – County Parks Advisory Board .....	13
	12. Traffic Plan for State Road 7 .....	14
OB	City Attorney .....	15

Present: Mayor Naugle  
Commissioners Hutchinson, Katz, Moore, and Smith

Also Present: City Manager, City Attorney, City Clerk, and Police Sergeant

**I-A – Proposed Amendments to Section 25-147 – Tree Trimming  
in the Public Right-of-Way for Purposes of Utility Line Maintenance**

A discussion was scheduled on proposed amendments to Section 25-147 of the Code of Ordinances regarding tree trimming in the public right-of-way (ROW) for purposes of utility line maintenance. Notice of the public discussion was published on February 28, 2002. Mr. Greg Kisela, Assistant City Manager, believed the back-up memorandum was self-explanatory and suggested additional tools in this regard. He envisioned a citizen advisory panel addressing the various issues as the City moved forward toward ordinance adoption.

Commissioner Moore agreed the memorandum was self-explanatory, and the suggestions made a lot of sense. His only concern was that it did not address the issue of pole placement in rights-of-way. Mr. Kisela advised that would be part of Chapter 25, with respect to use of right-of-way. Commissioner Moore stated that a very large pole had been installed in front of the new fire station site. Mayor Naugle agreed it was massive, and Commissioner Moore did not know how a fire truck would get around it. He wondered if there had been any City review prior to the installation, and Mr. Kisela agreed to provide a status report.

Commissioner Hutchinson said she had just received a call from someone about poles being installed in Rio Vista, and no one had been notified. Commissioner Moore was concerned the large poles compromised pedestrian safety and the aesthetics of the City. Mayor Naugle thought they might violate ADA requirements.

Mr. Pete Sheridan, Engineering Division, joined the meeting, and Mayor Naugle explained that a question had arisen about the large power pole on 2<sup>nd</sup> Street and Northwest 6<sup>th</sup> Avenue by the new fire station. Mr. Sheridan advised that the pole had been installed in order to redirect power lines to allow for the construction of the fire station. He noted that a self-supporting pole was required because wires ran in all four directions, otherwise one of the guy wires would run from the pole into one of the access points of the fire station.

Commissioner Moore asked if the pole had some impact on the substation. Mr. Sheridan said that because the line poles running down 6<sup>th</sup> Avenue to the south had to be removed, they had to be redirected into the alley east of the fire station. As there was no tension, this had to be a self-supporting pole. Commissioner Moore thought it must provide for a feeder line. Mr. Sheridan agreed. Mr. Kisela reported that with the new Progresso substation came increased capacity outside the fence area. Therefore, it was not just the siting of the substations that would be considered, but also the other infrastructure that came with it to address it in a comprehensive fashion.

Commissioner Smith asked if this pole was in the middle of the sidewalk. Mr. Sheridan believed it encroached into the sidewalk, but the sidewalk was being widened in this location. Commissioner Smith understood why a bigger pole was needed at the end of a line, but he wondered if anyone had considered ways to make it look like a tree or some other feature. Mr. Sheridan replied that had not been done in this location as the City had asked FPL to do this in order to facilitate the fire station project. Commissioner Smith hoped the committee would look at ways to disguise poles in the most visible locations. Mr. Sheridan agreed that was something that could be explored.

Commissioner Smith liked where this was going and hoped the committee could get busy as soon as possible, and he thought the City should ask FPL to agree to certain things in the interim. For example, he suggested a voluntary moratorium on any tree removal or relocation until the new regulations were established. *Ms. Lynn Shatas*, of FPL, understood this was a sensitive issue right now, but emergency work and customer requests for power had to be addressed. Insofar as a moratorium, she was not sure that would be appropriate. Commissioner Smith explained that he was referring only to tree removal or relocation. At least, he felt the District Commissioner should be notified of any tree removal or relocation or a report provided on a Conference agenda. Mr. Kisela believed staff could arrange that unless there was an emergency work situation. The City Manager agreed to keep the full Commission informed.

Commissioner Smith believed notification was being provided now in terms of emergency trimming. The City Manager agreed that was being done on a Citywide basis. Commissioner Smith referred to the regular maintenance trimming in Colee Hammock and Victoria Park. He asked if it could continue to be suspended until the committee developed new regulations. *Ms. Shatas* said the regular maintenance was suspended other than emergency work, but there had been a number of customer requests to trim trees back. Commissioner Smith felt fulfilling customer requests was acceptable.

Mr. Kisela said another issue was the upcoming hurricane season, and a lot of scheduled tree trimming was an attempt to be pro-active in that respect. Therefore, delays in maintenance trimming could limit abilities to withstand and recover from storms. Commissioner Smith thought it was worth the risk. Commissioner Hutchinson agreed.

Commissioner Smith noted that the last paragraph of the memorandum indicated that the Engineering Division would issue permits for tree removal, and he preferred that trees over a certain size require Commission approval for removal. Mayor Naugle believed the County had a list of trees that did not require permits for removal, such as Brazilian Pepper. Commissioner Katz did not want to micro-manage this situation. Commissioner Smith wanted the City Commission to make decisions when it came to removing trees such as an Oak with an 18" trunk. He did not want to micro-manage in terms of every tree, but the Commission should address those of a certain size.

Mayor Naugle reported that he had received a complaint indicating that FPL was using chemicals on vines on private property. If this was true, he was very uncomfortable about FPL using chemicals on private property, which went well beyond trimming trees. *Ms. Shatas* said she would investigate and provide a report.

Commissioner Hutchinson was disappointed because she had some drafted ordinance language would be presented today so it would not be necessary to wait for the committee because things were still happening as time passed in areas besides Colee Hammock and Victoria Park. She believed the International Society of Agricultural and Certified Arborists recommended V-cutting. Mr. Gene Dempsey, City Forester, agreed that was true. Commissioner Hutchinson understood FPL followed those guidelines, but she did not like the V-cutting at all. Commissioner Katz did not believe the V-cut used by FPL contractors was the method the organization recommended.

Mr. Kisela noted that frequency of trimming raised issues as well because if it was only done every three years, the trimming was much more dramatic as compared to an 18-month cycle. Commissioner Hutchinson felt the City should inspect the cuts, and Mayor Naugle suggested that fines be imposed. Commissioner Hutchinson wondered how long the committee would work, and Mr. Kisela envisioned solid recommendations by the end of the calendar year. He noted that there were a lot of different issues to address.

Commissioner Hutchinson asked if FPL's projected master plan would be examined. Mr. Kisela advised that the demand forecast and master plan would have to be examined, and a consultant would attend the committee meetings on an as-needed basis.

The City Manager felt it was important that this effort be a Citywide and comprehensive examination. He stated that the tree-trimming ordinance would be handled early in the process, but there were other issues that would take more time to address. Commissioner Hutchinson asked if the Committee would be able to ask the consultant to attend the next meeting, for example. Mr. Kisela said it would, although he was not sure the consultant would be necessary for the first organizational meeting of the committee.

Mayor Naugle felt there were certain things that could be done early in the process so zoning in progress could be established. Mr. Kisela said another option might be to break the 15-member committee down into smaller subcommittees to expedite different issues. Commissioner Hutchinson agreed and added that some people might be more interested in the tree-trimming issue than the substation issue, for example.

Commissioner Smith wanted FPL to put the things it had agreed to in writing as soon as possible. Mr. Kisela noted that this committee would not just address issues associated with FPL. He explained there were others trimming trees in the right-of-way. Commissioner Smith wanted written assurances right now from FPL that it would voluntarily suspend any tree removal or relocation barring emergencies and the other things he had mentioned. Mayor Naugle asked Ms. Shatas to let the Commission know how long it would take to obtain a written commitment.

Ms. Shatas wanted to ensure she understood all of the requests:

- Moratorium on tree removal or relocation;
- Notification of the City Manager about any emergency trimming Citywide;
- Suspend maintenance trimming Citywide; and
- No more poles would be placed in the middle of sidewalks until new regulations had been developed.

Commissioner Katz referred to existing poles. She hoped the committee would address those because there was one near a shopping center in her district that a blind person had to get past every day. Commissioner Moore suggested language in the ordinance that would allow for amortization of existing poles so they would be removed by a certain date. In the situation mentioned by Commissioner Katz, Mayor Naugle thought the City Attorney should determine if it violated ADA requirements. The City Attorney agreed to research it and noted that it would probably depend on when the pole had been installed. Commissioner Moore thought it might be more cost effective for FPL to run wires underground rather than installing poles in sidewalks.

*Mr. Buddy Lochrie*, President of the Colee Hammock Association, did not understand why the City had to pay for the pole in front of a fire station. He stated that it was not a local service line, but a transmission and distribution line. Mr. Lochrie quoted a newspaper article that indicated that this committee would provide a forum about what FPL did and why, but that was not his understanding of its purpose. He thought it had probably been a misquote because the City would not appoint 15 people and hire a consultant for a "show and tell" exercise.

Mr. Lochrie said there had been a letter to the editor of the "Miami Herald" recently from the Senior Vice-President of FPL, and one of the key items was that FPL felt there were a lot of misunderstandings. He felt the way to avoid misunderstandings would be to go on record with the details. Mr. Lochrie suggested that the letter to the editor be made a part of the City Commission's meeting minutes or have FPL address it to the City. Mayor Naugle asked that staff obtain a copy of the letter and reference it in the official meeting minutes.

*Mr. Ted Fling* stated that when FPL had entered Victoria Park on November 14, 2001, the neighborhood association had requested certain information. That request had been repeated in writing in January, and again at the town hall meeting in February. Finally, Mr. Fling had sent another near demand, and he had received a response last night. That response indicated that FPL would work with this committee. However, even though FPL had indicated it would suspend the project in Victoria Park, all the streets had been marked last week in preparation to continue the project.

Mr. Fling wanted FPL to provide a direct statement that it would not proceed with this project under any circumstances until such time as the City Commission authorized it to proceed. He thought FPL and City staff should be able to reengineer this project, and he did not believe the committee was not capable of doing that. He wanted something in writing that FPL would not do this any more and stop blaming everything on misunderstandings.

Mayor Naugle asked if the City had granted permission for the project to go forward. Mr. Kisela advised that permits had been issued, and Mayor Naugle asked if they could be rescinded. The City Attorney explained that a small part of the work had already been done under the issued permit, but it could be rescinded with respect to additional work.

*Mr. Robert Koenig* wanted to make sure that people with baby strollers could pass along the sidewalks in the City, and they were being damaged. He thought the taxpayers would save money in the long term if an improperly administered project were halted.

Ms. Shatas advised that she had noted the comments made today, and she apologized to Mr. Fling for not being able to respond to his inquiries more quickly. She explained that the project had been changed, and an alternative for the upcoming summer months had been developed.

*Mr. Steve Sommerville*, of Broward County, stated that the County Commission supported the City Commission's actions. He hoped to apply requirements developed in the City to the rest of the County.

Commissioner Smith said his constituents were concerned about the semantics of whether or not the project was moving forward. He thought it would be comforting if the letter that would be forthcoming from FPL would state that the project for which a permit had been issued was dead, and FPL was withdrawing the permit. Further, if additional work was proposed in those neighborhoods in the future, it would be a new project with a new permit.

Mr. Kisela reported that staff was working with FPL as to the Las Olas Isles, and that dialogue would continue. Commissioner Smith hoped that project would be well publicized. Mr. Kisela just wanted everyone to understand that the project was continuing at the other end in the Isles. Commissioner Smith understood the power lines would come straight up Las Olas Boulevard rather than through the surrounding neighborhoods.

**Action:** As discussed.

At 1:07 P.M., Commissioner Moore left the meeting.

#### **I-B – Fiscal Year 2001/2002 Neighborhood Capital Improvement Program (NCIP) Recommendations**

A discussion was scheduled on 16 proposed NCIP projects to be approved for fiscal year 2001/2002. Commissioner Smith understood the Middle River Terrace project had been withdrawn because a lot of it had been done by the neighborhood. He asked staff to clarify that information.

Commissioner Katz referred to Bay Colony and the Coral Ridge Country Club, which did not appear to be on the work schedule. Ms. Marisol Lotito, Program Manager, advised that the Bay Colony project would be funded through the NCIPG Program, and the Coral Ridge Estates project would be funded with a Challenge grant. Mayor Naugle suggested the Commission approve this item as recommended, and the Middle River Terrace project could be removed if that was the request.

**Action:** Approved.

#### **I-D – Florida Power and Light (FPL) Citizen Advisory Panel**

The City Commission was scheduled to nominate the remainder of the members to serve on the FPL Citizen Advisory Panel. Commissioner Katz appointed Fred Stresau and Jim Rampe. Commissioner Hutchinson suggested a representative of the Rio Vista neighborhood, who she planned to identify this evening, and appointment of Andy Ziffer.

**Action:** Formal action to be taken at Regular Meeting.

## **I-E – Citrus Canker Program**

A discussion was scheduled about a letter from *Ms. Marion Henderson* on the Citrus Canker Program, as requested by Mayor Naugle and Commissioner Hutchinson. Mayor Naugle thought it would be a good idea for the City to take a position about the Department of Agriculture entering private property without permission.

Ms. Henderson pointed out that this was an issue that affected everyone because it represented an unreasonable intrusion onto private property by a government agency, which was specifically prohibited by the Fourth Amendment to the U.S. Constitution. Further, there was existing case law in this regard under Section 2 of the Florida Constitution. She reported that a judge had ruled last May that the Department of Agriculture could not enter private property without a search warrant, and no Florida judge could issue a search warrant. Therefore, it was not permitted, but the Department of Agriculture continued to do it.

Ms. Henderson stated that the Florida Legislature was considering legislation to amend the Florida Search Warrant Statute to explicitly permit the Department of Agriculture to come onto private property as to the Citrus Canker Eradication Program. However, she did not feel that was reasonable, so she did not believe it would hold up in court.

Mayor Naugle believed the City had protested the 1,900' rule. The City Attorney agreed the City had joined with other cities and Broward County in becoming named parties opposing the Department of Agriculture on the 1,900' rule and the emergency power that agency was trying to exercise. He advised that there were a number of different court proceedings going on in South Florida and in Tallahassee. There was a proposed bill going through the Legislature so certain procedures would not have to be followed, but search warrants could be granted on a "blanket" basis after notice to affected property owners. The City Attorney stated that staff was continuing to follow these issues and join with other affected communities.

Commissioner Moore asked if the organization the City was now working with had taken a position on this legislation. The City Attorney replied that Michael Pawelczyk had been working directly with the Attorneys representing the other cities and the County. Mr. Pawelczyk, Assistant City Attorney, did not believe the City of Fort Lauderdale or the County had standing to take oppose the legislation, and he was not aware of any other governmental agency in opposition to such legislation. He supposed that was something the City could do. Commissioner Moore said he would rather utilize the apparatus already selected, but he wanted to see if that group was considering challenge legislation that would allow blanket search warrants. He thought the City Commission could then consider supporting whatever position was taken by that group.

Commissioner Hutchinson wanted to take a position on this legislation today. She did not think blanket search warrants were appropriate. Commissioner Moore agreed, but he thought a better approach might be to work within the group. Commissioner Smith concurred and did not know if it would be a good idea for the City to go off on its own. Mr. Pawelczyk explained that the City did not have standing to raise Fourth Amendment issues. That did not mean the City could not take a position of opposition, but it did not have standing insofar as litigation was concerned. Mayor Naugle pointed out that the City was a property owner with citrus trees. Mr. Pawelczyk thought that might be a possibility as he understood there were citrus trees in Snyder Park, for example.

Commissioner Katz wondered if the existing lawsuit with the other cities could be used to address this issue as well. Mr. Pelcheck said it could not because it was a claim against an administrative rule, and it predated the proposed legislation. He stated that if the proposed legislation was adopted, it could make the rule challenges moot as the Department of Agriculture would be able to withdraw the administrative rule that was being challenged.

Commissioner Smith asked how the Broward Delegation stood on the proposed legislation. Mr. Bentley said that he would check. Ms. Henderson believed it was a difficult issue for the Legislators, and she thought some of the Broward Delegation supported it. She was concerned that this might fall through the cracks because this was a tight budget year. Mr. Pawelczyk believed the bill was pending in the House and was under committee review in both the House and the Senate.

Mayor Naugle acknowledged that the citrus industry had a huge stake in this issue, while the individual property owners did not have the same kind of clout. Therefore, he would not mind supporting a resolution requesting State agencies to obtain warrants to enter private property just as the City had to have warrants. Commissioner Katz did not object to a position statement, and she agreed it was more beneficial to joint with the other cities and agencies that had similar concerns to address the issues. Commissioner Moore thought the City could adopt a resolution addressed to the group in the hopes that it would take a similar position.

Ms. Henderson believed it would at least be two months before any bill that was adopted by the Legislature would be in effect. In the meantime, there were plenty of distinguished Attorneys in Broward County who could appear before a circuit court judge to request an injunction on the Fourth Amendment issues related to search warrants, which would save many trees. Mayor Naugle understood Ms. Henderson was seeking public funds to enter into a private lawsuit, and that was not something the City usually did. Ms. Henderson stated that the suit would be on behalf of the public. There was no consensus to contribute funds for this purpose.

**Action:** As discussed.

## **II-A – Project 15160 – Joseph C. Carter Park Improvements**

A status report was presented on the Joseph C. Carter Park improvements, as requested by Commissioner Moore. He was disappointed because other park projects proposed after this Park had already been started. Mr. Pete Sheridan, Engineering Division, stated that bids would be received on March 18, 2002, and it would be late May or June before ground was broken on the project.

**Action:** None.

## **II-B – Construction of Fire-Rescue Administration Building/Fire Station No. 2**

A status report was presented on the Fire-Rescue Administration Building/Fire Station No. 2 construction project, as requested by Mayor Naugle. Mr. Greg Kisela, Assistant City Manager, stated that if there were not substantial progress in the next 30 days, staff would recommend that the contract be rescinded. Commissioner Hutchinson asked if the contractor was able to do the work. Mr. Kisela said it had been a challenge, and the City had done everything it could do to help move the work forward.



Commissioner Moore thought the City should give the contractor another two weeks to show substantial project. If that did not occur, he wanted to move forward with another contractor. Mayor Naugle asked if there had been a second bidder. Mr. Pete Sheridan, Engineering Division, replied that there had been a second bid but, because this contract had been executed, the City would have to go through the bid process over again. He thought most of the issues had been addressed, and the work should progress in the next 30 days, although the design side of this design/build contract had not been as responsible as staff would have liked.

It was the consensus of the Commission to accept staff's recommendation, and Mayor Naugle requested another updated on March 19, 2002.

**Action:** As discussed.

### **III-B – Advisory Board Vacancies**

1. Cemeteries Board of Trustees

Commission Smith wished to appoint Bill Burpee to the Cemeteries Board of Trustees.

**Action:** Formal action to be taken at Regular Meeting.

2. Community Appearance Board

**Action:** Deferred.

3. Community Services Board

**Action:** Deferred.

4. Marine Advisory Board

Commissioner Moore wanted to appoint Norbert McLaughlin to the Marine Advisory Board.

**Action:** Formal action to be taken at Regular Meeting.

5. Nuisance Abatement Board

Commissioner Moore suggested the appointment of Yvonne Burton as an alternate member of the Nuisance Abatement Board.

**Action:** Formal action to be taken at Regular Meeting.

6. Unsafe Structures and Housing Appeals Board

**Action:** Deferred.

## **IV – City Commission Reports**

### **1. Lincoln Park**

Commissioner Moore recalled past discussion about reprogramming between \$390,000 to \$525,000, and there had been other discussions about a recreational facility in the Riverland area. He thought about \$1 million was needed for that, and he suggested that the \$390,000 be utilized because that community had long been awaiting a recreational facility. He asked that staff bring a proposal for the funding to the City Commission.

Commissioner Smith wanted to make sure there were not other projects that had been waiting for some CDBG funding, such as in Lauderdale Manors. Mayor Naugle suggested the Commission decide once staff presented a proposal. Commissioner Smith pointed out that if \$500,000 were allocated from this year's funding, the other \$500,000 would have to come out of next year's funding.

Commissioner Moore stated that a Request for Proposals (RFP) was almost ready, and he community wanted to include the social center. He thought there might be some additional funding available in the future from the Legislature, so the structure could commence during this phase of the project. Commissioner Smith did not understand how a half a building could be constructed.

Mayor Naugle noted that a pool with lockers and restrooms was being built in Riverland, and he wondered if the community center could share those restrooms because half the cost was usually associated with those amenities. Commissioner Moore believed that was how staff proposed the design.

Commissioner Smith believed there was disagreement in the community about where the facilities should be located on the site. Commissioner Moore stated that the community had met last week, and there had been unanimous consensus on the building location and set up. Commissioner Katz still wanted to hear a proposal from staff about where the money would come from before making a decision. Commissioner Moore added that some other areas in this general location were going to be annexed into the City.

**Action:** Staff to provide proposal.

### **2. Police Department**

Commissioner Moore wished to compliment the Police Department. He advised that there had been a new wave of loitering around establishments in the 1700 block of 6<sup>th</sup> Court and Sistrunk Boulevard, and the Police Department was doing a good job of combating that problem.

**Action:** None.

### **3. Amistad**

Commissioner Moore announced that the vessel "Amistad" was in Fort Lauderdale and encouraged everyone to visit because it was absolutely beautiful. He complimented the City Manager, the City Clerk and Jamie Hart for coordinating this event. Mayor Naugle asked if tugs had been used, and Commissioner Moore believed so.

**Action:** None.

4. Broward County Historical Commission

Commissioner Hutchinson said she had received a letter from the Broward County Historical Commission about the use of South Side School. She wondered if there was any way the City could assist. Mayor Naugle thought it sounded like a wonderful use for the facility, and he felt the City should help with the process although not financially. He said he would write a letter indicating the City's support.

The City Manager advised that he had not seen the letter from the Historical Commission, but he thought this action might be premature. He believed most of the Commission was aware that the federal government was seeking a local site for a new federal courthouse. Today, a representative had visited from Atlanta, and the City Manager believed the South Side School was being considered as a potential courthouse site. Mayor Naugle had thought it had been eliminated from consideration. The City Manager did not believe that was the case, and he wanted to place the subject on the next Commission agenda because there were a number of entities involved. He wished to invite the Chief Judge to converse with the City Commission about the rules and regulations involved.

Mayor Naugle noted that the building itself had been designated historic, so a courthouse would have to be built behind the existing structure or to the side. He was not sure a museum and a courthouse would not be compatible. Commissioner Moore felt the Commission should discuss this at the next meeting as suggested by the City Manager.

Commissioner Smith hoped everyone understood the City was not interested in a use that would involve demolition of the building. Commissioner Moore did not think that was a possibility in light of the historic designation. Commissioner Hutchinson asked if this could be discussed at the next meeting. The City Manager stated that the Chief Judge would not be available until the April 2, 2002 meeting.

**Action:** Subject to be placed on April 2, 2002 agenda.

5. Harbor Inlet – Neighborhood of the Year

Commissioner Hutchinson reported that the Harbor Inlet neighborhood was seeking Neighborhood of the Year designation at the Neighborhoods USA Conference in May. She wished to thank Hal Barnes for his assistance with the application.

**Action:** None.

**I-C – Haifa, Israel – Proposed Sister City**

A discussion was scheduled about a proposal from Greater Fort Lauderdale Sister Cities International (SCI) to enter into a sister city relationship with Haifa, Israel. *Ms. Nuccia McCormick*, Chair of SCI, stated that Fort Lauderdale had a lot in common with Haifa, and she circulated a proclamation to formalize a relationship with this second largest city in Israel. She reported that a gala was scheduled for March 7, 2002, and she introduced the committee members who were present, including Stan Cohn, Nancy Goldberg, Gaby Shirazi, and Gerry Cooper.

Mayor Naugle said he'd had the pleasure of meeting the Mayor of Haifa in August. Ms. McCormick stated that the Mayor would be in Fort Lauderdale from Thursday through Sunday, and she noted that an artist was providing a mural on a building owned by Marty Zisholtz.

Mayor Naugle also wanted to take this opportunity to thank SCI for its project to send wheelchairs to Turkey.

**Action:** Approved.

#### **IV – City Commission Reports (Continued from Page 10)**

##### **6. Lauderdale Beach Hotel**

Commissioner Smith reported that the developer and the owner of the Lauderdale Beach Hotel had requested deferral of ratification of the Historic Preservation Board's recommendation, and the applicant concurred provided that the site plan approval before the Planning & Zoning Board also be postponed. He advised that the parties would work together to figure out a way to maintain the existing hotel structure and make it compatible with the new building. Commissioner Smith was pleased that the parties were "on the same page." He planned to recommend deferral to the beginning of May. At that time, there would be some sort of historic designation or some type of creative agreement to save the building.

Mayor Naugle wondered if deferral was appropriate if the item had already been advertised. The City Attorney advised that it had not been advertised, although notice had been provided to the property owner, but he was also requesting that the matter be rescheduled.

Mayor Naugle wondered if anyone had seen the design prepared by students at Florida Atlantic University (FAU). Commissioner Smith had, and he had been very impressed. Mayor Naugle agreed there were some good ideas. Commissioner Katz also thought this intellectual exercise was great for the students.

**Action:** Subject to be scheduled for a future meeting.

##### **7. Conference Meeting Time**

Commissioner Katz said she was finding it difficult to arrange her schedule around the 12:30 p.m. Conference Meeting start time and wondered if there was support for a later time. Mayor Naugle suggested 1:30 p.m. Commissioner Smith wanted to return to the 2:00 p.m. start time. Commissioner Hutchinson just wanted to ensure there was sufficient time for Commission Reports. Mayor Naugle noted that the Charter allowed the City Manager to control the number of items on the agenda, and the Commission would have to use some restraints in terms of the items requested. He pointed out that the length of the meetings also depended a lot on the Commission and how much conversation there was on the items. It was the consensus of the Commission to have an ordinance drafted to call for a 1:30 p.m. start time.

**Action:** Ordinance to be drafted setting Conference Meeting start time at 1:30 p.m.

8. Health Benefits

Commissioner Katz understood that as of December/January, the TPA was still paying 20% of “rack rate” for surgery, which meant the City was paying too much. Mr. Damon Adams, Director of Finance, stated that the networks had been changed effective February 1, 2002. Mayor Naugle stated that due to the benefit amendments made at the last meeting, the system for management employees was now breaking even instead of losing money. Mr. Adams stated that would take effect on March 18, 2002, and there would be a carry over of claims that had occurred prior to that date. Therefore, he expected the break-even point to occur within two or three months.

**Action:** None.

9. Staff Liaison to Broward County

Commissioner Katz felt the City should have a staff liaison with Broward County to attend the County Commission meetings to ensure Fort Lauderdale issues were being heard. She did not think the County listened to the City about anything, and she asked the City Manager to assign someone. The City Manager advised that the County Commission met every Tuesday, and staff monitored its agendas and attended the meetings, as needed. He stated that there were times when having an elected official attend was necessary. Mayor Naugle suggested staff monitor the meetings on cable television unless a presence was necessary.

**Action:** As discussed.

10. Greenways/Bicycle Paths

Commissioner Katz noted that the Commission would be considering a resolution this evening about the bike paths, and she had received notification from Art Seitz that the City had to let the County know sooner that it was interested in changing the plan. She felt someone should let the County Commission know today that a resolution would be forthcoming in this regard.

The City Manager said that he had verified the status of the RFP/RLI with Steve Sommerville, and he had indicated that all available funds had been allocated. However, requests to add things could be made in the next round, and it would require an amendment to the Comprehensive Plan. Commissioner Katz was concerned that could take four years. The City Manager said he would find out what kind of timeframe would be involved.

Commissioner Katz recalled discussion about possibly switching funds for something the County felt was one of the top five priorities with something the City Commission thought should have a higher priority, like A-1-A. Commissioner Moore did not think this had anything to do with the RFP. Therefore, the Commission could adopt its resolution this evening to substitute A-1-A for State Road 84, and the contractor would do as he was instructed. Commissioner Smith did not believe State Road 84 was one of the top five.

Mayor Naugle thought it would be a good idea to get other communities to take a position in this regard, such as Lauderdale-by-the-Sea and Pompano Beach. Commissioner Moore felt this and the RFP were two separate issues. Mayor Naugle thought the Commission could also ask staff to determine what funds might be available and provide a strategy to expedite the process.

Commissioner Hutchinson was not sure of the boundaries, and she did not think it extended to Port Everglades. Mayor Naugle agreed the greatest part would be west of I-95. Commissioner Hutchinson did not think it would come east of I-95 at all. Commissioner Moore understood that the intent was to let the County know that Fort Lauderdale felt A-1-A should be included in this project. Commissioner Smith liked the idea of working with the other eastern cities.

Commissioner Katz did not feel the City should have to wait years to get something down A-1-A. Commissioner Smith agreed someone had to go before the County Commission and ask that A-1-A be added as a sixth priority. The City Manager said he would learn what process would be required in order to reorder the priorities. If Mr. Sommerville was correct and a Comprehensive Plan amendment was necessary, he would have to learn what process was necessary to expedite the process.

Mayor Naugle said he had received an e-mail about the missing link between 19<sup>th</sup> and 20<sup>th</sup> Streets, and he felt that should be part of the strategy. Commissioner Smith felt the FEC Corridor was an important one for the City, so he was not interested in substituting the beach for that if it ever came up.

**Action:** As discussed.

#### 11. Land Preservation – County Parks Advisory Board

Commissioner Katz stated that the County Parks Advisory Board was meeting on March 7, 2002, and she understood the Fort Lauderdale projects would be presented. She was concerned because none of the other cities were contributing as much to the \$400 million bond issue as was Fort Lauderdale. Commissioner Katz thought it would be a good idea to have the City Manager attend the Thursday meeting and make a presentation for acceptance of the City's whole package because Fort Lauderdale was contributing \$64 million.

Commissioner Smith said that one thing the Chair had done was allow public input at the beginning of the meeting at his request. So, all of the cities were invited to discuss their open space projects, and Fort Lauderdale was scheduled first as the largest. He advised that the Board would need prices. Mr. Kisela provided information indicating the cost of the requested projects was estimated at \$21 million. He stated that certain assumptions had been made, such as acquisition of all the land identified, on 11 sites. That cost was estimated at \$15 million, and the value of the open space criteria was an additional \$21 million. He stated that the only thing the City had for certain at this time was \$2.4 million of the \$400 million bond issue.

Commissioner Smith was pleased with the information because it would show the County that if Fort Lauderdale were granted everything it requested, it would only get a 50% return on the dollar. Commissioner Katz agreed the presentation should be as strong as possible. She wanted the City Manager to indicate that this was the package desired, and the City deserved no less.

Mayor Naugle said he would do his best to attend, although he thought it would be best if the entire City Commission attended. Commissioner Katz intended to attend, and she believed there would also be a lot of constituents present. Commissioner Smith wanted to reach out to the Citizens' Volunteer Corps for an "e-mail blitz" to encourage people to attend the meeting. Mr. Kisela agreed to do so.

Mr. Kisela reported that 16 parcels were listed for the open space category, based on each of the Commissioners' priorities. At some point, however, it would be helpful to develop more specific priorities, as the County had taken the list and assigned its own priorities. He stated that \$21 million of the \$48 million available under the Phase I Open Space category had been approved. Commissioner Smith stated that the Board had offered each city \$2 million, whether it had been requested or not. In fact, Fort Lauderdale taxpayers were contributing to the purchase of golf courses in two communities from which those cities would derive income.

At 2:13 P.M., Commissioner Hutchinson left the meeting.

Commissioner Smith noted that Fort Lauderdale's request amounted to almost all the remaining money. He did not think the Board would vote to give \$21 million to Fort Lauderdale and divide the remaining \$3 million among all the rest of the cities. Commissioner Katz did not wish to argue about priorities. She pointed out that each Commissioner had a top priority. Commissioner Smith thought it all the elected officials, staff, and a lot of citizens showed up at the meeting, Fort Lauderdale would get a good response.

At 2:15 P.M., Commissioner Hutchinson returned to the meeting.

The City Manager said it was his understanding that elected officials seemed to carry the greatest weight in the past. Commissioner Katz wanted to present a united front with a lot of support.

Commissioner Smith noted that a total had been provided, but he felt the value of each site should be identified. Mr. Phil Thornburg, Superintendent of Parks, stated that information would be ready for the committee meeting, although it had been presented today in summary form. Commissioner Katz asked if the prices listed were the asking prices. Mr. Thornburg advised that market costs provided by the Real Estate Division had been used rather than assessed value.

**Action:** As discussed.

## 12. Traffic Plan for State Road 7

Commissioner Moore reported that he had attended a meeting in Coral Springs about the traffic plan for State Road 7. One of the issues had been bus benches, and he needed a consensus from the Commission in that regard. Commissioner Moore did not want any standard below that currently being provided between Broward and Sunrise Boulevards. He reported that Plantation had been using a brick bus bench that was attractive. Commissioner Moore noted that the different cities along the corridor could have different themes for the bus benches along with the names of each city on the side of the bench.

Mayor Naugle asked if this would be formally presented to the Commission. Commissioner Moore replied it would not, which was why he was seeking consensus now. He advised that he did like the brick bench. It was the consensus to leave the matter in Commissioner Moore's hands.

**Action:** As discussed.

At 2:18 P.M., the meeting was recessed for an executive closed door session regarding litigation strategy in connection with City of Fort Lauderdale v Coolidge-South Markets Equities, L.P., a Delaware Limited Partnership et al (Case No. 00-10449[08]). The meeting was reconvened at 3:13 P.M.

### **OB – City Attorney**

Mayor Naugle noted that the City Attorney had resigned, and this discussion related to the method that would be used to replace him. He said that during discussions about compensation for the City Manager, City Attorney and City Clerk, the Commission had obtained a study, and he wanted that information updated. Mayor Naugle thought the Commission should consider advertising that the City Attorney's position was available, and the City Manager could provide a report on what other cities were paying. He thought the City Attorney could help formulate a job description.

Commissioner Katz wondered if the position should be full-time or part-time. Mayor Naugle believed a study had been requested. The City Manager said that some of the data had come from the Florida League of Cities, which was late with its latest survey results, but he expected to have it at the end of the week. He stated that information would be coupled with information related to cities that had in-house or outside attorneys, or a combination of the two. Mayor Naugle believed some communities used firms, and the City Manager agreed some did. He recalled a 1997 newspaper survey that could be updated. Mayor Naugle said he had sent that survey out to the Commission last night.

Commissioner Smith said he had done a little investigation of five cities and how they dealt with this position. He stated that Tampa had a full-time employee appointed by the Mayor. In Hollywood, there was a full-time employee with a salary of \$111,000. He advised that Tallahassee had a full-time employee but, prior to 1993, its entire legal department had been a private law firm. In Gainesville, the City Attorney had a contract and was hired by the City Commission. Mayor Naugle pointed out that the Charter dictated that the City Attorney be hired by the City Commission.

Commissioner Moore said he would rather have an in-house full-time employee selected by the City Commission. He thought there were a number of issues that different departments had raised, and there were some concerns about expediency. Commissioner Moore understood there were Assistant City Attorneys on staff full-time now, and he thought it would be good to have the City Attorney present on a full-time basis.

Commissioner Smith believed Mr. Lyles had been present on a full-time basis, more or less, but he had only been paid as a part-time employee. Commissioner Moore agreed. Commissioner Smith also wanted a full-time, in-house City Attorney, and Commissioner Katz concurred. Commissioner Smith desired the best possible Attorney with all the challenges faced by the City, and Mr. Lyles would take a lot of historical and institutional knowledge with him.



Commissioner Katz suggested the formation of an advisory committee to put together some criteria. She pointed out that advertising could result in hundreds of applications that would have to be narrowed down. Commissioner Smith suggested an executive search. Mayor Naugle agreed there were firms that handled the screening process. Commissioner Smith was concerned that the best-qualified Attorneys would not want to leave thriving practices, and the City would have lesser-qualified applicants. Commissioner Katz did not think that was a great concern. She pointed out that the County had hired an Attorney from another governmental agency in Tallahassee.

Mayor Naugle felt municipal law was specialized, but he thought the most important thing was to agree on qualifications, compensation and publication. After applications were received, they would be narrowed down and interviews conducted. Commissioner Moore did not feel an advisory committee was necessary. He acknowledged it might be cumbersome, but this was one of only three positions handled by the Commission, and Mr. Lyles was not leaving immediately. He thought Mr. Lyles could provide expertise in narrowing the field. Mayor Naugle said that had been done in the past when hiring a City Manager.

Commissioner Moore thought one concern was the Sunshine Law, so a "head hunting" firm might be necessary to meet with potential candidates prior to submission of an application that would become a matter of public record. The City Attorney advised that even if a head hunting firm were used, the public records laws would still apply, so some degree of public scrutiny could not be avoided. He suggested that the Commission give him a little time to research the issues with the City Manager. Mayor Naugle requested a timetable as well.

Commissioner Smith believed the County had experienced problems recruiting a County Attorney. Mayor Naugle thought there might have been good reason. Commissioner Smith was concerned about the discrimination and other cases that were pending, and Commissioner Katz thought someone might find that an interesting challenge.

The City Manager noted that even if an extremely well qualified City Attorney was hired, there would still be a need for special counsel from time to time to address specialized legal work. Mayor Naugle thought it would be helpful if the Commission had a list of the amount spent on special counsel over the past three years for consideration on March 19, 2002.

The City Attorney acknowledged that the City had and would continue to have big challenges, but the City Commission had been willing to place specialized matters in the hands of specialized counsel in order to be on even footing with those who opposed the City. He thought the City Commission had a track record in that regard, so potential candidates would know and appreciate that fact. Mayor Naugle said the only time he had been dissatisfied with special counsel had been during condemnation action at the beach.

Mayor Naugle summarized that staff would provide a recommended timetable, set of qualifications, advertising possibilities, and a potential compensation range and package. He believed consensus had already been reached that the City would seek a full-time Attorney. The City Manager believed that information could be provided on March 19, 2002.

**Action:** To be scheduled for discussion on March 19, 2002.

Prior to adjournment, Mayor Naugle advised that he had participated in the South Florida Mayor's Challenge at the Grand Prix in Homestead. He reported that only 2 mayors from Broward County had participated, but there had been 16 mayors racing. Unfortunately, he had come in second and lost the \$5,000 charitable donation prize.

Meeting adjourned at 3:30 P.M.

NOTE: A MECHANICAL RECORDING HAS BEEN MADE OF THE FOREGOING PROCEEDINGS, OF WHICH THESE MINUTES ARE A PART, AND IS ON FILE IN THE OFFICE OF THE CITY CLERK FOR A PERIOD OF TWO YEARS.